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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

AliveCor, Inc.,

Plaintiff,

v.

Apple Inc.,

Defendant.

CASE NO. 4:21-CV-03958-JSW-SK

**DEFENDANT APPLE INC.'S
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL DECLARATION OF
JASON C. LO**

The Honorable Jeffrey S. White

Pursuant to Civil Local Rule 7-11, 79-5, and the Court’s order on the parties’ stipulation regarding sealing of summary judgment filings (Dkt. No. 174), Defendant Apple Inc. (“Apple”) respectfully submits this interim motion to seal and to consider whether another party’s material should be sealed.

Apple moves to provisionally file under seal the Declaration of Jason C. Lo and related materials. The parties stipulated to a modified sealing procedure in connection with summary judgment briefing and any related filings. Dkt. 174 (“Stipulation Regarding Summary Judgment Briefing and Sealing and Expert Discovery Deadline”). The Court granted the stipulation on April 28, 2023, in an Order that states the parties may “file their summary judgment briefs and associated exhibits and supporting materials under seal initially, and file a consolidated set of sealing materials—including redacted briefs, exhibits, and supporting documents—after summary judgment briefing is complete.” *Id.* at 3. Pursuant to that stipulation, Apple submits its “summary judgment brief[] and associated exhibits and supporting materials under seal” and will submit its consolidated set of sealing materials once summary judgment briefing is complete. *Id.* The reasons for sealing will be discussed in a forthcoming sealing motion as part of that consolidated set of sealing materials.

In particular, Apple seeks to provisionally seal the following materials:

<u>Document</u>	<u>Portion to Be Filed Under Seal</u>	<u>Designating Party</u>
Declaration of Jason C. Lo	Entire document	Apple and/or AliveCor
Exhibit 1 to the Declaration of Jason C. Lo	Entire document	Apple and/or AliveCor
Exhibit 2 to the Declaration of Jason C. Lo	Entire document	Apple and/or AliveCor
Exhibit 3 to the Declaration of Jason C. Lo	Entire document	Apple and/or AliveCor
Exhibit 4 to the Declaration of Jason C. Lo	Entire document	Apple and/or AliveCor
Exhibit 5 to the Declaration of Jason C. Lo	Entire document	Apple and/or AliveCor
Exhibit 6 to the Declaration of Jason C. Lo	Entire document	Apple and/or AliveCor
Exhibit 7 to the Declaration of Jason C. Lo	Entire document	Apple and/or AliveCor
Exhibit 8 to the Declaration of Jason C. Lo	Entire document	Apple and/or AliveCor
Exhibit 9 to the Declaration of Jason C. Lo	Entire document	Apple and/or AliveCor

1	Exhibit 10 to the Declaration of Jason C. Lo	Entire document	Apple and/or AliveCor
2	Exhibit 11 to the Declaration of Jason C. Lo	Entire document	Apple and/or AliveCor
3	Exhibit 12 to the Declaration of Jason C. Lo	Entire document	Apple and/or AliveCor
4	Exhibit 13 to the Declaration of Jason C. Lo	Entire document	Apple and/or AliveCor
5	Exhibit 14 to the Declaration of Jason C. Lo	Entire document	Apple and/or AliveCor
6	Exhibit 15 to the Declaration of Jason C. Lo	Entire document	Apple and/or AliveCor
7	Exhibit 16 to the Declaration of Jason C. Lo	Entire document	Apple and/or AliveCor
8	Exhibit 17 to the Declaration of Jason C. Lo	Entire document	Apple and/or AliveCor
9	Exhibit 18 to the Declaration of Jason C. Lo	Entire document	Apple and/or AliveCor
10	Exhibit 19 to the Declaration of Jason C. Lo	Entire document	Apple and/or AliveCor
11	Exhibit 20 to the Declaration of Jason C. Lo	Entire document	Apple and/or AliveCor
12	Exhibit 21 to the Declaration of Jason C. Lo	Entire document	Apple and/or AliveCor
13	Exhibit 22 to the Declaration of Jason C. Lo	Entire document	Apple and/or AliveCor
14	Exhibit 23 to the Declaration of Jason C. Lo	Entire document	Apple and/or AliveCor
15	Exhibit 24 to the Declaration of Jason C. Lo	Entire document	Apple and/or AliveCor
16	Exhibit 25 to the Declaration of Jason C. Lo	Entire document	Apple and/or AliveCor
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20	Exhibit 29 to the Declaration of Jason C. Lo	Entire document	Apple and/or AliveCor
21	Exhibit 30 to the Declaration of Jason C. Lo	Entire document	Apple and/or AliveCor
22	Exhibit 31 to the Declaration of Jason C. Lo	Entire document	Apple and/or AliveCor
23	Exhibit 32 to the Declaration of Jason C. Lo	Entire document	Apple and/or AliveCor
24	Exhibit 33 to the Declaration of Jason C. Lo	Entire document	Apple and/or AliveCor
25	Exhibit 34 to the Declaration of Jason C. Lo	Entire document	Apple and/or AliveCor
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Exhibit 64 to the Declaration of Jason C. Lo	Entire document	Apple and/or AliveCor
Exhibit 65 to the Declaration of Jason C. Lo	Entire document	Apple and/or AliveCor

Apple seeks to seal information designated confidential or highly confidential by Apple and by AliveCor. Apple takes no position on the merits of the confidentiality designations by AliveCor.

For the foregoing reasons, Apple respectfully requests that the Court grant Apple's Administrative Motion to Seal.

DATED: July 27, 2023

GIBSON, DUNN & CRUTCHER LLP

By: /s/ Jason C. Lo

Jason C. Lo

Attorney for Defendant Apple Inc.